

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PATRICK CALLIARI,

Plaintiff,

v.

SARGENTO FOODS, INC.,

Defendant/Counterclaim Plaintiff,

v.

PATRICK CALLIARI, et al.,

Counterclaim Defendants.

Case No. C08-1111MJP
(Consolidated with C08-1112MJP)

**ORDER MEMORIALIZING
PRETRIAL CONFERENCE RULINGS**

On November 25, 2009, the Court held a pretrial conference with counsel in advance of the December 07, 2009 trial date. The Court memorializes the rulings made at that conference in this Order. The Court finds and orders as follows:

1. The Court sets the following deadlines:

- a. Pretrial Submissions: The parties shall submit proposed jury instructions, proposed verdict forms, a joint proposed statement of the case (or alternative statements of the case), trial briefs, and proposed voir dire no later than 9:00 a.m.

1 on December 2, 2009. The parties shall identify stipulated jury instructions where
2 possible.

3 b. Second Pretrial Conference: The Court will hold a second pretrial conference at
4 10:30 a.m. on December 4, 2009.

5
6 2. The Court RESERVES RULING on Defendant Sargento's motion to compel arbitration.
7 (Dkt. No. 85.) The Court will revisit the issue, if it remains live, after the conclusion of
8 the trial.

9 3. With respect to the Counterclaim Defendants' motions in limine (Dkt. No. 87), the Court
10 finds and orders as follows:

11 a. The Court FINDS AS MOOT the motions numbered one, two, three, and seven.
12 (Dkt. No. 87 at 2-5, 11.)

13 b. The Court RESERVES RULING on the motions numbered four, five, and six.
14 (Dkt. No. 87 at 5-10.) The Court cannot rule on the exclusion of evidence that
15 has not been specifically identified.
16

17 4. The Court FINDS AS MOOT Defendant Sargento's motion in limine (Dkt. No. 88) on
18 the issue of South Dakota Regulatory Agencies.

19 5. The Court FINDS AS MOOT Sargento's motion (Dkt. No. 90) referring to a new breach
20 of contract theory.

21
22 6. With respect to Plaintiff Calliari's motions in limine (Dkt. No. 92), the Court finds and
23 orders as follows:

24 a. The Court DENIES Plaintiff Calliari's motions numbered one and two. (Dkt. No.
25 92 at 4-10.)
26

- 1 b. The Court GRANTS IN PART Callari's third motion. (Dkt. No. 92 at 10.)
2 Sargento may not present the specific 8% discount rate, but a jury instruction
3 asking the jurors to find a rate may be appropriate.
4
5 c. The Court GRANTS IN PART and DENIES IN PART Callari's fourth motion in
6 limine. (Dkt. No. 92 at 11-12.) The motion is denied with respect to evidence
7 demonstrating Callari breached the Employment Agreement, but granted with
8 respect to evidence relating to Callari's personal life.
9
10 d. The Court RESERVES RULING on Callari's fifth and sixth motions. (Dkt. No.
11 92 at 12-14.)
12
13 e. The Court DENIES Callari's seventh motion in limine. (Dkt. No. 92 at 14.) The
14 motion is not properly a motion in limine.
15
16 f. The Court GRANTS IN PART Callari's eighth motion in limine. (Dkt. No. 92 at
17 15.) The parties may refer to the fact the mediation took place, but may not make
18 any reference to any statements made at mediation by any party or to any
19 statement issued by the mediator.
20

21 It is SO ORDERED. The Clerk shall transmit a copy of this order to all counsel of record.
22

23 DATED this 25th day of November, 2009.
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Marsha J. Pechman
United States District Judge